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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,338	01/26/2004	Christopher Clemmett Macleod Beck	P8600	9881
24739 7590 12/21/2010 CENTRAL COAST PATENT AGENCY, INC 3 HANGAR WAY SUITE D WATSONVILLE, CA 95076				
EXAMINER CHEEMA, UMAR				
ART UNIT 2444		PAPER NUMBER		
NOTIFICATION DATE 12/21/2010		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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anantha@formulateip.com

# Office Action Summary

**Application No.**

10/765,338

**Applicant(s)**

MACLEOD BECK ET AL.

**Examiner**

UMAR CHEEMA

**Art Unit**

2444

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 September 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 40-42, 46-53, 70-72 and 75-82 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 40-42, 46-53, 70-72, 75-82 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-940)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Response to Amendment**

1. This action is in response to Request for Continued Examination (RCE) transmitted on 09/28/2010. Claims 40-42, 46-53, 70-72, and 75-82 are pending in this action. Claims 40 and 70 are being further amended.

### **Continued Examination Under 37 CFR 1.114**

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/28/2010 has been entered.

### **Response to Arguments**

3. Applicant's arguments with respect to claims 40-42, 46-53, 70-72, and 75-82 have been considered but are moot in view of the new ground(s) of rejection.

### **Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 40-42, 46-53, 70-72, and 75-82 rejected under 35 U.S.C. 102(b) as being anticipated by Vaid et al. (hereinafter Vaid) (US Patent No. 6,502,131).

5. As to claims 40 and 70, Vaid discloses a communication management system and method, comprising: a computer appliance associated with a particular user (**see at least figure 1 and details associated, col. 2, lines 45-62; graphical user interface for monitoring a flow of information coupled to a network of computers**); a data repository coupled to the computer appliance storing a directory of contact identities a zone manager enabling the user to create one or more zones defined each by a business or a social activity, to associate specific contact identities with individual ones of the zones created, and to create management policies associated with and specific to each zone created (**see at least col. 16, line 64-col. 17, line 11, col. 27, lines 23-40; figures 2, 7, 8, 19 and details associated; enforcing policies based on named users/groups are detailed; further wherein traffic classes can incorporate users and groups - - which may be defined in repositories such as: NT.TM. domains or Novell's NDS etc. );** and an identity/zone firewall acting as an enforcer of management policies and serving as a gateway through which incoming and outgoing communications pass (**see at least col. 4, lines 34-45, col. 9, lines 42-50; figures 1-2 and details associated; wherein a network or firewall administrators with the ability to implement policy-based schema for security and resource management for incoming and outgoing information to the network is explained**); wherein individual incoming or outgoing communications are associated at the identity/zone firewall with a zone, by one or both of identities of sender and receiver and message content (**see at least figure 19 and details wherein a sender (1903) and a receiver (1905) and defined with respect to monitoring and controlling policy based management system**), and the management policies specific to that zone are enforced before the communications are allowed to pass (**see at least col. 11, lines 32-41, figures 2-3 and details; wherein testing tools to**

**obtain detailed analysis of flow and traffic behavior with/without policy enforcement before new application is deployed to change the network infrastructure is being explained also policy/bandwidth is being enforced to ensure that traffic gets through the network).**

6. As to claim 41, Vaid discloses the system of claim 40 wherein contact identities may be names or aliases of person or devices **(see at least figure 2, col. 9, lines 42-50; network physical can include personal computers, common PCs, or network interface computers (NCs) or work stations).**

7. As to claim 42, Vaid discloses the system of claim 40 further comprising an interface to a network, wherein the communication involves sending or receiving message over the network **(see at least figure 19 and col. 27, lines 45-55; alarm, enforcing can be in form e.g. email notification, pager message, SNMP trap, log entry and so on).**

8. As to claims 43-45, (Cancelled).

9. As to claim 46, Vaid discloses the system of claim 40 wherein messaging in multiple modes and protocols is supported, including but not limited to voice and text **(see at least figure 19 and col. 27, line 45-col. 28, line 15).**

10. As to claim 47, Vaid disclose the system of claim 40 wherein contact identities of single users or devices may vary by communication mode as well as by zone **(see at least figures 2-3 and details associated).**

11. As to claim 48, Vaid discloses the system of claim 46 wherein the multiple modes and protocols include email, instant messaging, RSS, voice mode, network-news transport protocol (NNTP), file transport protocol (FTP), really simple syndication (RSS), universal discovery\_ description and integration (UDDI), lightweight directory\_ access protocol (LDAP),

multipurpose internet mail extensions (MIME, post office protocol (POP), simple mail transport protocol (SMTP), Internet message access protocol (IMAP), session initiation protocol (SIP), text messaging services (TMS), and hypertext transport protocol (HTTP) (see at least figures 9, 19 and col. 27, line 45-col. 28, line 15, col. 18, lines 38-42).

12. As to claim 49, Vaid discloses the system of claim 40 wherein contact identities include both sender and recipients (see at least figure 19 and details wherein a sender (1903) and a receiver (1905)).

13. As to claim 50, Vaid discloses the system of claim 40 further comprising generated alerts from attempted policy violation (see at least col. 10, lines 56-60, figure 3; reporting/alarming phase 305).

14. As to claim 51, Vaid discloses the system of claim 41 wherein contact identity name may be in a form of a URI, an email address, a telephone number, a machine address, an IP address, or a text message (see at least col. 14, lines 34-col. 15, line 43; traffic classes and traffic entities).

15. As to claim 52, Vaid disclose the system of claim 40 wherein management policy includes automatic handling of incoming communication events, the handling determined by one or both of contact identity and mode of communication (see at least col. 20, 50-57, automatically start profiling traffic in inbound and outbound directions without any further configuration).

16. As to claim 53, Vaid discloses the system of claim 40 further comprising an interactive user interface for a user to create and populate zones, enter contact identities and create, edit, and

associate policy (see at least figure 12, 61-col. 21, line 9; GUI )1200) shown in figure 12 can create and edited rules, policies or groups etc.).

17. As to claims 54-69, 73 and 74, (Cancelled).

18. As to claim 71-72 and 75-82, there claimed limitations are same as previously addressed claims 41-42, and 46-53 except being method claims and therefore are rejected for the same reason as claims 41-42, and 46-53.

19. **Examiner's Note:** Examiner has cited particular paragraphs, figures, columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### **Conclusion**

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see the form PTO-892 (Notice of Cited References) for a list of more relevant prior arts.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to UMAR CHEEMA whose telephone number is (571)270-3037. The examiner can normally be reached on M-F 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Jr. Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/U. C./  
Examiner, Art Unit 2444  
/William C. Vaughn, Jr./  
Supervisory Patent Examiner, Art Unit 2444